

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6312 of 2023

Petitioner :- Asmita Mishra Thru. Power Of Attorney Holder Manish Mishra

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Law And Legal Remembrancer,Lko. And 6 Others

Counsel for Petitioner :- Prem Shankar,Ved Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

On an objection raised by learned Standing Counsel that the petitioner has impleaded the State of U.P. through Additional Chief Secretary, Department of Law and Legal Remembrancer, U.P. Civil Secretariat, Lucknow, which has no concern with the case and even otherwise there is no department named as Department of Law and Legal Remembrancer, Sri Prem Shanker, learned counsel for the petitioner submits that inadvertently the State of U.P. has been impleaded as respondent no.1 and he may be permitted to delete the same. To which there is no objection by learned Standing Counsel.

In view of above, learned counsel for the petitioner is permitted to delete the respondent no.1 from the array of parties and renumber other respondents 2 onwards as 1 onwards during course of the day.

Heard.

Learned counsel for the petitioner submits that the petitioner has filed suit for declaring the sale deed void and permanent injunction, which is not being disposed of whereas on the basis of the sale deed which the petitioner wants to be declared void, several sale deeds are being got executed, therefore the same may be directed to be disposed of in a time bound manner, whereas this cannot be a ground unless the sale deed is declared void. Even otherwise, a direction for disposal of the suit in a time bound manner in a case filed in the year 2022 when there is huge pendency of cases without any extraordinary situation, cannot be issued by this Court. However, any such request can also be made before the concerned court showing the extraordinary situation on the ground of which the litigant is entitled to get his suit decided over and above older cases pending before the concerned court.

At this stage, learned counsel for the petitioner submits that the direction may be issued for disposal of application for interim

injunction filed alongwith the suit. On being asked that there is no such prayer in the petition, learned counsel for the petitioner submits that there is a prayer for direction for disposal of application for interim injunction, whereas no such prayer has been made in the petition. The prayers made in the petition are extracted hereinbelow:-

(i) issue an appropriate order or direction directing the Learned Additional Civil Judge (J.D.) Court No.47, Lucknow to decide Regular Suit No1386 of 2022 pending before it within stipulated time contained in Annexure No.1 to the petition as all private respondents have already put their appearance,

(ii) issue any other order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case and

(iii) costs of the petition be awarded to the petitioner"

In view of above, it is apparent that neither this petition has been filed with any prayer for disposal of application for interim injunction nor learned counsel for the petitioner is prepared with the case.

In view of above,the petition is **dismissed** with a caution to learned counsel for the petitioner to come prepared with the case in future.

Order Date :- 18.12.2023

Akanksha